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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

MCALLISTER, S

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 12/07/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/582,122

Applicant(s)  
Ach

Examiner  
Steven B. McAllister

Group Art Unit  
3652



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 8-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 8-15 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Loiodice (EP 0686594).

Loiodice shows a shaft 40; first car guides 14; second counterweight guides 16; a cage 12; a counterweight 20 and an engine mount 62 which mounts to the fastened to the guide rails of the cage and counterweight via the guide rail structure which fastens the two sets of rails (see Figs. 6 and 1); and an engine.

As to claim 9, Loiodice shows that the guide rails extend beyond engine mount 62 (see Fig. 6 and col. 4, lines 28-34).

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4. Claims 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Olsen (4664230).

Olsen shows a shaft (see abstract); first car guides comprising outer guiding portions of rails 28; second counterweight guides comprising the inner parts of rails 28; a cage 56; a counterweight 70 and an engine mount comprising crossbars 24 and parts 44, 52 generally, the engine mount fastened to the guide rails of the cage and counterweight (see Fig. 1), and an engine 42 on the mount.

As to claim 10, it is noted that the counterweight guide rails do not extend beyond the engine mount (see Fig. 1).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loiodice.

Loiodice shows end plates 64 for fastening to the guide rails and an engine bearer 62. It does not specifically disclose the connection between the bearer and the end plates. However, it is old and well known in the art to connect such pieces by welding, a non-detachable joining

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method. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Loiodice by welding the joints in order to provide a strong and rigid joining method.

As to claim 14, it is noted that end plates form a butt joint with the guide rails of the cage (see Fig. 6 and col. 4, lines 28-34).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Lane (5845745).

Olsen shows all elements of the claim except a cable routed to an under side of the cage. Lane shows a cable connected to a connecting point 60 at the bottom of the elevator cage (see Fig. 1). It would have been obvious to one of ordinary skill in the art to modify the apparatus of Olsen by routing the cable to the bottom of the elevator in order to minimize any angle error in the cable due to the longer length between the motor and the tie point.

8. Claims 8, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olsen in view of Lane.

Olsen shows a shaft (see abstract); first car guides comprising outer guiding portions of rails 28; second counterweight guides comprising the inner parts of rails 28; a cage 56; a counterweight 70 and an engine mount comprising and an engine 42 on the mount. Olsen does not show that the engine mount is connected to the two sets of rails. Lane shows an engine mount 32, 35, 36, 38, 40 mounting to a pair of rails. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Olsen by mounting the engine mount of Lane

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directly to the pair of rails in order to allow removal of the bracket without unfastening the rails from the wall.

As to claim 10, it is noted that the counterweight guide rails do not extend beyond the engine mount (see Fig. 1 of Olsen).

As to claim 12, it is noted that Olsen in view of Lane shows means for connecting the engine mount to the guides in a vibration-damped manner comprising damping material (35, 44 of Lane).

As to claim 15, it is noted that Olsen in view of Lane shows a fastening bracket (32 of Lane) that forms a butt joint connection with the guide rails of the cage.


### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

  
Steven B. McAllister

December 3, 2000

 12/4/00  
ROBERT P. OLSZEWSKI  
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